

HOUSE BILL REPORT

E2SSB 5179

As Reported by House Committee On:

Education
Appropriations

Title: An act relating to paraeducators.

Brief Description: Concerning paraeducators.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hill, McAuliffe, Litzow, Mullet, Hobbs and Dammeier).

Brief History:

Committee Activity:

Education: 3/23/15, 3/30/15 [DPA];

Appropriations: 4/6/15, 4/7/15 [DPA(ED)].

Brief Summary of Engrossed Second Substitute Bill (As Amended by Committee)

- Creates minimum standards for paraeducators who work in certain programs.
- Creates a Paraeducator Board with certain duties.
- Requires the courses necessary to meet the standards be developed and made available.
- Requires districts to implement the Paraeducator Certification in certain programs and gives paraeducators three years to acquire a certification.
- Requires a report on the costs of implementation to the state, districts, and paraeducators.
- Requires paraeducators to renew their certification every five years.
- Requires the Professional Educator Standards Board to train teachers and principals on working with paraeducators.
- Requires paraeducator training programs to adopt the paraeducator certification standards.
- Requires the Washington State Institute for Public Policy to study the effectiveness of paraeducators in improving student outcomes.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Limits implementation of these requirements to amounts appropriated for those specific purposes.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 19 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Fagan, Gregory, Griffey, Hargrove, S. Hunt, Kilduff, Lytton, McCaslin, Orwall, Pollet and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Hayes and Klippert.

Staff: Megan Wargacki (786-7194).

Background:

Paraeducators.

Paraeducators work under the supervision of teachers to provide various levels of support, including performing instructional duties, assisting with classroom management, and acting as translators. In Washington, there are no educational qualifications or licensure requirements for paraeducators. However, special education paraeducators must have the skills and knowledge necessary to meet the needs of students eligible for special education, and work under the supervision of a certificated teacher with a special education endorsement or a certificated educational staff associate. In addition, the Office of the Superintendent of Public Instruction (OSPI) has developed recommended core competencies and guidelines for paraeducators who work in education and related service programs for students with disabilities.

Under the federal No Child Left Behind Act, paraeducators who provide instruction and are paid in whole or in part by federal Title I funds must meet a federal definition of highly qualified. Since 2006 federal Title I paraeducators must have a high school diploma or equivalent, and have one of the following:

- completed two years of study at an institution of higher education;
- earned an Associate Degree or higher; or
- demonstrated competency through an approved formal assessment.

Training for paraeducators is available in the form of apprenticeships, certificate programs, and Associate of Arts degree (AA) programs. The AA programs include the general requirements for receipt of an AA and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting. Beginning with the 2015-16 academic year, the apprenticeship and certificate programs must incorporate the

standards for cultural competence, including multicultural education and principles of language acquisition, developed by the Professional Educator Standards Board (PESB).

Paraeducator Standards Workgroup.

In 2014 the Legislature directed the PESB to convene a workgroup to design program specific minimum employment standards for paraeducators, professional development and education opportunities that support the standards, a paraeducator career ladder, an articulated pathway for teacher preparation and certification, and teacher professional development on how to maximize the use of paraeducators in the classroom. As directed, the workgroup submitted their first report to the Legislature in December 2014, recommending the following:

- appropriate minimum employment standards and professional development opportunities for paraeducators who work in English language learner (ELL) programs, Transitional Bilingual Instruction Programs, federal Limited English Proficiency programs, the Learning Assistance Program (LAP), and the federal disadvantaged program;
- a career ladder that encourages paraeducators to pursue advanced education and professional development;
- an articulated pathway for teacher preparation; and
- professional development for certificated employees that focuses on maximizing the success of paraeducators in the classroom.

The workgroup must submit a final report by January 10, 2016, concerning minimum employment standards for basic education and special education paraeducators, and appropriate professional development and training to help paraeducators meet the employment standards.

Summary of Amended Bill:

Minimum Employment Standards for Paraeducators.

Effective September 1, 2015, subject to the availability of amounts specifically appropriated for this specific purpose, minimum employment standards for paraeducators working in the LAP, federal disadvantaged programs, and ELL programs require that the paraeducator:

- be at least age 18, hold a high school diploma or equivalent, and have received a passing grade on the Education Testing Service's Paraeducator Assessment;
- hold an AA; or
- have earned a 72 quarter credits or 48 semester credits at an institution of higher education.

Paraeducator Board Established.

By September 1, 2015, subject to the availability of amounts specifically appropriated for this specific purpose, a Paraeducator Board (Board) must be established to administer policies and rules for the preparation and certification of paraeducators who work in the LAP, the federal disadvantaged programs, the ELL program, the paraeducator career ladder, or the pathway to teacher certification. The Board must be composed of a paraeducator, a teacher, and a principal, each appointed by the Superintendent of Public Instruction; a parent whose child receives instructional support from a paraeducator, appointed by the Washington State

Parent Teacher Association; a representative of the community and technical colleges, appointed by the State Board for Community and Technical Colleges; a representative of the institutions of higher education, appointed by the Washington Student Achievement Council; and a nonvoting facilitator, appointed by the PESB. The PESB must also be the administrator of the Board

Paraeducator Certification.

Subject to the availability of amounts specifically appropriated for this specific purpose, the Board must distribute grants, funded by the Legislature, in the 2015-16 and 2016-17 school years, to districts that volunteer to field test the implementation of paraeducator certification and the ELL endorsement for paraeducators. Starting September 1, 2017, all school districts must begin implementation of paraeducator certification for paraeducators working in the LAP, the federal disadvantaged programs, and the ELL program. Paraeducators have three years to acquire certification.

The Board must adopt certification standards, including supporting instructional opportunities, demonstrating professionalism and ethical practices, supporting a safe and positive learning environment, communicating effectively and participating in the team process, and demonstrating cultural competency aligned with standards developed by the PESB. The Board must also develop a training practicum and ensure that paraeducators have multiple methods to access certification training.

The OSPI and all Educational Service Districts (ESDs) must, in collaboration with the Board, develop the courses necessary to meet the paraeducator certification standards and ensure that paraeducators have multiple methods to access the courses, rather than the Board developing a practicum and ensuring that paraeducators have multiple methods to access the training necessary to become certified.

The Board, in collaboration with the OSPI, the ESDs, and the school districts receiving implementation grants, must submit a report to the appropriate committees of the Legislature by January 1, 2017. This report must include an analysis of the cost to the state and the districts to implement the paraeducator certification and ELL endorsements, and the cost to paraeducators to meet the paraeducator certification and ELL endorsement requirements.

The Board may establish paraeducator certification fees. The OSPI must be provided with funds necessary to administer the paraeducator certificates and endorsements.

English Language Learning Program Paraeducator Endorsement.

Beginning September 1, 2017, subject to the availability of amounts specifically appropriated for this specific purpose, paraeducators who work in the ELL programs must acquire an ELL paraeducator endorsement within three years. The Board may adopt rules to implement the endorsement and training standards, and must ensure that training is made available to paraeducators via multiple means.

Advanced Paraeducator Endorsement.

By September 1, 2017, subject to the availability of amounts specifically appropriated for this specific purpose, the Board must develop rules for an advanced paraeducator endorsement, training modules, and a renewal process. The rules must include provisions

that allow advanced paraeducator endorsement-holders to replace a teacher for a short-time in districts that experience difficulty finding substitute teachers. The responsibilities of an advanced paraeducator are specified as mentoring or coaching other paraeducators, assisting in highly impacted classrooms, providing short-term substitution, and assisting in specific specialized instructional support and technology applications.

Paraeducator Endorsement and Certification Renewal.

Subject to the availability of amounts specifically appropriated for this specific purpose, paraeducators must renew their certificate or necessary endorsements every five years by completing the clock hours determined by the Board. The Board may develop training modules and ensure that clock hour training is available via multiple means.

Teacher and Principal Training.

Subject to the availability of amounts specifically appropriated for this specific purpose, the PESB must design and implement a training program for teachers and principals on how to direct a paraeducator working with students and on how to supervise and evaluate paraeducators.

Paraeducator Associate of Arts Degree Requirements.

Subject to the availability of amounts appropriated for this specific purpose, the training program for a paraeducator AA must include training in the paraeducator certification standards adopted by the Board.

Paraeducator Certificate and Apprenticeship Program Requirements.

Subject to the availability of amounts specifically appropriated for this specific purpose, paraeducator certificate and apprenticeship programs must include training in the paraeducator certification standards adopted by the Board.

Paraeducator Effectiveness Study.

By December 15, 2016, subject to the availability of amount appropriated for this specific purpose, the Washington State Institute for Public Policy must study the effectiveness of paraeducators in improving student outcomes in Washington and report to the Legislature. The study must include an examination of variation in the use of paraeducators across schools and districts, and whether and to the extent any differences in students' academic progress can be attributed to the use of paraeducators. The study must also include a review of the national research on this topic. The OSPI and the Education Research and Data Center must provide the data necessary to conduct the analysis.

Amended Bill Compared to Engrossed Second Substitute Bill:

The OSPI and all ESDs must, in collaboration with the Board, develop the courses necessary to meet the paraeducator certification standards and ensure that paraeducators have multiple methods to access the courses, rather than the Board developing a practicum and ensuring that paraeducators have multiple methods to access the training necessary to become certified. In addition, the Board, in collaboration with the OSPI, the ESDs, and the school districts receiving implementation grants, must submit a report to the appropriate committees of the Legislature by January 1, 2017. This report must include an analysis of the cost to the state and the districts to implement the paraeducator certification and ELL endorsements, and

the cost to paraeducators to meet the paraeducator certification and ELL endorsement requirements.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 30, 2015.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is the first state in the country going after paraeducator development. Paraeducators provide significant instruction in the classroom. This bill acknowledges how important paraeducators are, and creates a career path and pipeline for paraeducators. This policy will have huge benefits across the board. Many paraeducators support the bill because it recognizes, encourages, and supports the instructional role that the LAP and ELL paraeducators are already providing. Paraeducators tend to like the addition of the parent on the Board and the addition of cultural competency in this version of the bill. Paraeducators provide instruction to students in the opportunity achievement gap, so it is important that they are highly qualified. Some parents of special education students believe that this additional instruction is critical for the success of students. Paraeducators provide the bulk of instruction to certain students, thus providing them with access to the classroom. Paraeducators help special education students engage with their communities. Being a paraeducator is really hard; they are asked to be experts on many disabilities and social/emotional challenges. Paraeducators need to be provided with more training.

(With concerns) The work of the workgroup is unfinished, so this bill is premature. Some overlap and oversight issues may result if the workgroup runs concurrently with the new Board. Once the workgroup finishes its report, many of these recommendations may not be needed to put into law.

The bill is unclear about who will be delivering the trainings and the practicums. Currently, the PESB approves the programs that provide teacher trainings and the programs recommend students for certification. The alternate is to do a transcript analysis for certification.

This bill does not guarantee that paraeducators will get ongoing professional development. Teachers pay for their own professional development. Paraeducators want high quality professional development so they can meet the needs of their students. They are often in one-on-one situations with students and have lots to do with student success. Paraeducators are nervous about a licensure system. This bill sets up a two-year pilot program after which paraeducators would have three years to get their license requirements. It is unclear who will pay for the training. There is no entity to develop the classes, so an amendment is necessary to specify that the OSPI will do this in collaboration with the Board. There is no analysis of how much this will cost, so the pilot districts should

report how much this will cost to the state and districts, and how much of the cost will be borne by paraeducators.

The null and void issue is a concern because if certain components are not funded, those components will not be required, but paraeducators will still be required to be licensed. It is important to support paraeducators in the classroom, but costs will go up under this bill. The use of paraeducators will be more limited as well, because not all paraeducators will have the appropriate certification or endorsement. The workgroup was unanimous that cultural competency is important. There is no course on cultural competency ready to go, although it is part of community college courses. The licensure system is not funded and training is only required subject to funds appropriated.

(Opposed) None.

Persons Testifying: (In support) Senator Hill, prime sponsor; Reen Doser, Public School Employees of Washington; Jennifer Karls, Bellevue Special Needs Parent Teacher Association; and Beth Sigall.

(With concerns) Kathy Goebel, State Board of Community and Technical Colleges; David Brenna, Professional Educator Standards Board; Lucinda Young, Washington Education Association; and Deb Merle, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Education. Signed by 29 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, G. Hunt and Taylor.

Staff: Jessica Harrell (786-7349).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The state and federal governments spend \$1.2 billion on the Learning Assistance Program and Transitional Bilingual Instruction Program, which is presumably for educational services. More than half of educational services are provided by paraeducators, for whom there are no standards and no training. For these programs to be successful, paraeducators must have standards and training. Paraeducators do a lot of work educating children in the opportunity gap. Parents are frustrated with the lack of training and the impact that has on their children. It is critically important for these educational staff to have training and meet standards. Paraeducators do incredible work with the state's neediest children. Paraeducators are the least compensated people in our system. The committee is encouraged to keep in mind the training and staffing costs that will impact districts.

(Opposed) The legislation includes unfunded mandates that will impact paraeducators and school districts. It is requested that pilot programs be fully funded by the state. Additionally, the certification fees listed in the fiscal note are estimated to be much higher than fees paid by teachers for certification. The cost of the certification may be too high for paraeducators to afford. The impact to compensation and the total impact to districts are not reflected in the fiscal note.

Persons Testifying: (In support) Doug Nelson, Public School Employees; Jennifer Karls, Bellevue Special Needs Parent Teacher Association; and Alan Burke, Washington State School Directors Association.

(Opposed) Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.